

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

MAY 20 1996

IN RE:

EAF, INC., a/k/a Eden Air
Freight, Inc.,
Debtor

Chapter 7

BARBARA A. EVERLY, CLERK

Bankruptcy No. 93-11251KC

HARRY R. TERPSTRA, Solely
in his capacity as Trustee,
Plaintiff,

Adversary No. 95-1107KC

vs.

LIBERTY HOUSE, INC, a
Pennsylvania Corporation
and
K.Y. FALCON ENTERPRISES, INC.,
a Nevada Corporation, d/b/a
K.Y. Falcon and/or FALCON
EXPRESS, INC., a Hawaii
Corporation, d/b/a Falcon
Express,

Defendants.

JUDGMENT

The issues of this proceeding having been duly considered by the Honorable Paul J. Kilburg, United States Bankruptcy Judge, and a decision having been reached without trial or hearing,

IT IS ORDERED AND ADJUDGED that judgment is hereby entered, pursuant to Stipulation, in favor of Plaintiff Harry R. Terpstra, Solely in his capacity as Trustee, and against Defendant Falcon Express, Inc., a Hawaii corporation, d/b/a Falcon Express, in the amount of \$90,208.15 as well as court costs.



[Seal of the U.S. Bankruptcy Court]
Date of Issuance: 5-20-96

BARBARA A. EVERLY
Clerk of Bankruptcy Court

By: *Thomas A. Dolay*
Deputy Clerk

Recorded Vol. V
Page 86

31

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

MAY 20 1996

IN RE:)		
)	Chapter 7	BARBARA A. EVERLY CLERK
EAF, INC., a/k/a Eden Air)		
Freight, Inc.,)		
Debtor.)	Bankruptcy No. 93-11251KC	

HARRY R. TERPSTRA, Solely)		
in his capacity as Trustee,)		
)	Adversary No. 95-1107KC	
Plaintiff,)		
)		
vs.)		
)		
LIBERTY HOUSE, INC, a)		
Pennsylvania Corporation)		
and)		
K.Y. FALCON ENTERPRISES, INC.,)		
a Nevada Corporation, d/b/a)		
K.Y. Falcon and/or FALCON)		
EXPRESS, INC., a Hawaii)		
Corporation, d/b/a Falcon)		
Express,)		
)		
Defendants.)		


ORDER

On this 20th day of May, 1996, the above-captioned matter is presented to the Court. The file now contains a Stipulation for Entry of Judgment filed with the Court on May 15, 1996. The Stipulation is executed by all counsel for parties-in-interest in this adversary proceeding.

The parties stipulate for entry of judgment in favor of Plaintiff Harry R. Terpstra, Solely in his capacity as Trustee and against Defendant Falcon Express, Inc., a Hawaii corporation, d/b/a Falcon Express, in the amount of \$90,208.15 plus court costs.

WHEREFORE, judgment is entered, pursuant to Stipulation, in favor of Plaintiff Harry R. Terpstra, Solely in his capacity as Trustee, and against Defendant Falcon Express, Inc., a Hawaii corporation, d/b/a Falcon Express, in the amount of \$90,208.15 as well as court costs.

SO ORDERED this 20 day of May, 1996.


Paul J. Kilburg
U.S. Bankruptcy Judge

Notice sent to: *W. Judgment*

Marjorie A. Guymon
300 South Fourth Street
Bank of America Plaza #1404
Las Vegas, NV 89101

Dan Childers
Suite 350, The Center
PO Box 5430
Cedar Rapids, IA 52406

Wesley B. Huisinga
115 3rd Street S.E.
Suite 1200
Cedar Rapids, IA 52401

H. Raymond Terpstra II (*w/ Bill of Costs*)
830 Higley Building
Cedar Rapids, IA 52401 *7000*

US Trustee - CR
Law Building Suite 400
225 2nd Street SE
Cedar Rapids, IA 52401

5.20.96
my

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

JUN - 3 1996

BARBARA A. EVERLY,
CLERK

United States Bankruptcy Court

NORTHERN District of IOWA

In re

Bankruptcy Case No. 93-11251KC

EAF, Inc. a/k/a Eden Air Freight, Inc.

Debtor

Harry R. Terpstra, Solely in his capacity

as Trustee

Plaintiff

Liberty House, Inc. and K.Y. Falcon Enterprises,

Adversary Proceeding No. 95-1107KC

Inc. d/b/a K.Y. Falcon and/or

Defendant

Falcon Express, Inc. d/b/a Falcon

Express

BILL OF COSTS

Notice is given that the following Bill of Costs will be presented to the bankruptcy clerk at the following place and time:

Address	Room
800 The Center, 425 Second St. SW	800
P. O. Box 74890	Date and Time
Cedar Rapids, IA 52407	6/11/96 11:00 a.m.

Judgment was entered in the above entitled action on May 20, 1996 against Falcon Express, Inc., a Hawaii
(date) corporation, d/b/a Falcon Express

The clerk of the bankruptcy court is requested to tax the following as costs:

Fees of the clerk	\$ 120.00
Fees for service of summons and complaint	\$
Fees of the court reporter for any and all part of the transcript necessarily obtained for use in the case	\$
Fees and disbursements for printing	\$
Fees for witnesses (itemized on reverse)	\$
Fees for exemplifications and copies of papers necessarily obtained for use in this case	\$
Docket fees under 28 U.S.C. § 1923	\$
Costs incident to taking of depositions	\$
Costs as shown on Mandate of appellate court	\$
Other costs [Please itemize]	\$
	\$
	\$
	\$
TOTAL	\$

DECLARATION

I, attorney for Harry R. Terpstra, Solely in his capacity declare under penalties of perjury that the
as Trustee (name of party)

foregoing costs are correct and were necessarily incurred in this action, that the services for which fees have been charged were actually and necessarily performed, and that a copy of this Bill of Costs was mailed this day with postage fully prepaid to:

Name and Address of Judgment Debtor
Falcom Express, Inc., a Hawaii Corporation d/b/a Falcon Express
Robert Klaussen, President
P. O. Box 29704
Honolulu, HI 96820

6/3 /96

Date _____

Signature of Attorney

COSTS ARE TAXED IN THE FOLLOWING AMOUNT AND INCLUDED IN THE JUDGMENT: \$ 120.00

Clerk of the Bankruptcy Court

Date _____

~~Deputy Clerk~~

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Recorded Vol V
Page 86

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)

[illegible]

NOTICE

Section 1924, Title 28, U.S. Code provides:

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

Section 1920 of Title 28 reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Bankruptcy Rules contain the following provisions:

Bankruptcy Rule 7054(b)

"COSTS. The court may allow costs to the prevailing party except when a statute of the United States or these rules otherwise provides. Costs against the United States, its officers and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day's notice; on motion served within five days thereafter, the action of the clerk may be reviewed by the court."

Bankruptcy Rule 9006(f)

"**ADDITIONAL TIME AFTER SERVICE BY MAIL.** When there is a right or requirement to do some act or undertake some proceeding within a prescribed period after service of a notice or other paper and the notice or paper other than process is served by mail, three days shall be added to the prescribed period."

Bankruptcy Rule 9021(a) (in part)

"Entry of the judgment shall not be delayed for the taxing of costs."

YOU MUST CALL the Clerk at 319/362-9696 to obtain a time for this to be set....
DO NOT SERVE, or send to Clerk's Office, WITHOUT HAVING OBTAINED A DATE & TIME.
*Also, your affidavit must be attached. Include Military statement..

NOTE: →

NOTE: →

CERTIFICATION OF SERVICE

I, Susan Briley of Terpstra, Terpstra and Epping, 830 Higley Building, 118 Third Ave., SE, Cedar Rapids, Iowa 52401-1408 certify:

That I am, and at all times hereinafter mentioned was, more than 18 years of age;

That on the 3rd day of June, 1996 I served a copy of the foregoing instrument, to which this Certificate is attached by U.S. Postage prepaid mail, to the party(s) or the attorney of record shown below at:

Office of U.S. Trustee
Law Building, Suite 400
225 2nd Street, SE
Cedar Rapids, IA 52401

Mr. Dan Childers
Childers & Fiegen
P. O. Box 5430
Cedar Rapids, IA 52406-5430

Marjorie A. Guymon
Bank of America Plaza
300 South Fourth Street, Suite 1404
Las Vegas, NV 89101

I certify under penalty of perjury that the foregoing is true and correct.

Executed on 6/3/96
(Date)

Susan Briley
(Signature)

Notice sent to:

Marjorie A. Guymon
300 South Fourth Street
Bank of America Plaza #1404
Las Vegas, NV 89101

Dan Childers
Suite 350, The Center
PO Box 5430
Cedar Rapids, IA 52406

Wesley B. Huisinga
115 3rd Street S.E.
Suite 1200
Cedar Rapids, IA 52401

H. Raymond Terpstra II
830 Higley Building
Cedar Rapids, IA 52401

US Trustee - CR
Law Building Suite 400
225 2nd Street SE
Cedar Rapids, IA 52401

6-11-74
my